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**JAN 0 5 2005**

In re Application of  
Ramesh Lhila  
Application No. 09/898,969  
Filed: July 3, 2001  
Attorney Docket No. 6001-44-1

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed December 10, 2004, to revive the above-identified application.

The petition is **DISMISSED AS MOOT** for the reasons stated below.

A review of the file record discloses that a final Office action was mailed on March 31, 2004, setting a three month shortened statutory period for reply. Extensions of time under the provisions of 37 CFR 1.136(a) were permitted. Therefor, a reply, with the appropriate extension of time fee, was due on or before September 31, 2004. An amendment, fee for a three month extension of time, and the Notice of Appeal with \$330 fee were received in the U.S. Patent and Trademark Office (USPTO) on September 30, 2004. Pursuant to the provisions of 37 CFR 1.192(a), the Appeal Brief is due two months from the date of filing of the Notice of Appeal, which in this case, is November 30, 2004. However, pursuant to the provisions of 37 CFR 1.136(a), extensions of time up to five months are available. Therefore, the Appeal Brief, with the appropriate extension of time fee, is due on or before April 30, 2005. A fee for a one month extension of time and the Appeal Brief with \$500 fee were received in the USPTO on December 10, 2004. According, since this case was not in fact abandoned at the time of filing the instant petition, the petition to revive was prematurely filed and is dismissed as involving a moot issue.

Since this application was not abandoned at the time of filing of the petition to revive, as explained above, the petition to revive fee of \$1500 submitted therewith is unnecessary. Accordingly, as authorized, the above fee will be credited to petitioner's Deposit Account No. 13-0235.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1771.

*Wan Laymon*  
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Petitions Examiner  
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for Patent Examination Policy